

under section 5334 of Title 5, Government Organization and Employees.

EFFECTIVE DATE OF 1965 AMENDMENT

Amendment by Pub. L. 89-132 effective Sept. 1, 1965, see section 10 of Pub. L. 89-132, set out as a note under section 203 of this title.

COVERAGE OF PERIOD OF LAPSED AUTHORITY

For provisions relating to coverage of period of lapsed authority from Oct. 1, 1992, to Oct. 23, 1992, for payment of bonuses or other special pay under this section, see section 612(j)(2) of Pub. L. 102-484, set out as a note under section 301b of this title.

Section 626(c) of Pub. L. 100-180 provided that:

“(1) The Secretary concerned, in the case of any person who during the period beginning on October 1, 1987, and ending on the date of the enactment of this Act [Dec. 4, 1987] would have qualified for an agreement with the Secretary described in paragraph (2) but for the fact that the authority for the payment of bonuses provided by that section had lapsed, shall pay to that person a bonus under the terms of the appropriate section specified in that paragraph (and related regulations) as in effect on September 30, 1987.

“(2) An agreement referred to in paragraph (1) is an agreement with the Secretary for the payment of a bonus under section 308, 308a, 308b, 308c, 308e, 308f, 308g, 308h, or 308i of title 37, United States Code.”

COST REDUCTIONS FOR FISCAL YEAR 1987; SELECTIVE REIMBURSEMENT BONUS

Pub. L. 99-661, div. A, title VI, §663(a), Nov. 14, 1986, 100 Stat. 3894, provided that: “During fiscal year 1987, the Secretary concerned may not pay more than 50 percent of an amount paid to any person under section 308 of title 37, United States Code, in a lump sum.”

OPTIONAL CHOICE OF REENLISTMENT BONUS

Section 3 of Pub. L. 93-277 provided that: “Notwithstanding section 308 of title 37, United States Code, as amended by this Act, a member of a uniformed service on active duty on the effective date of this Act, who would have been eligible, at the end of his current or subsequent enlistment, for the reenlistment bonus prescribed in section 308(a) or (d) of that title, as it existed on the day before the effective date of this Act, shall continue to be eligible for the reenlistment bonus under that section as it existed on the day before the effective date of this act. If a member is also eligible for the reenlistment bonus prescribed in that section as amended by this Act, he may elect to receive either one of those reenlistment bonuses. However, a member's eligibility under section 308(a) or (d) of that title, as it existed on the day before the effective date of this Act, terminates when he has received a total of \$2,000 in reenlistment bonus payments, received under either section 308(a) or (d) of that title as it existed on the day before the effective date of this Act, or under section 308 of that title, as amended by this Act, or from a combination of both.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 312a of this title.

§ 308a. Special pay: enlistment bonus

(a) BONUS AUTHORIZED; BONUS AMOUNT.—Notwithstanding section 514(a) of title 10 or any other law, under regulations prescribed by the Secretary of Defense, or by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, a person who enlists in an armed force for a period of at least four years in a skill designated as critical, or who extends his initial period of active duty in that armed force to a total

of at least four years in a skill designated as critical, may be paid a bonus in an amount prescribed by the appropriate Secretary, but not more than \$20,000.

(b) PAYMENT METHODS.—A bonus under this section may be paid in a single lump sum, or in periodic installments, to provide an extra incentive for a member to successfully complete the training necessary for the member to be technically qualified in the skill for which the bonus is paid.

(c) REPAYMENT OF BONUS.—Under regulations prescribed by the Secretary of Defense, or by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, a person who voluntarily, or because of his misconduct, does not complete the term of enlistment for which a bonus was paid to him under this section or a member who is not technically qualified in the skill for which a bonus was paid to him under this section (other than a person who is not qualified because of injury, illness, or other impairment not the result of his own misconduct) shall refund that percentage of the bonus that the unexpired part of his enlistment is of the total enlistment period for which the bonus was paid.

(d) TERMINATION OF AUTHORITY.—No bonus shall be paid under this section with respect to any enlistment or extension of an initial period of active duty in the armed forces made after December 31, 2000.

(Added Pub. L. 92-129, title II, §203(a), Sept. 28, 1971, 85 Stat. 358; amended Pub. L. 93-64, title II, §204, July 9, 1973, 87 Stat. 149; Pub. L. 93-277, §2(2), May 10, 1974, 88 Stat. 120; Pub. L. 95-57, §2, June 29, 1977, 91 Stat. 253; Pub. L. 95-485, title VIII, §802(b), Oct. 20, 1978, 92 Stat. 1619; Pub. L. 96-342, title VIII, §804(b), Sept. 8, 1980, 94 Stat. 1092; Pub. L. 97-60, title I, §117(b), Oct. 14, 1981, 95 Stat. 996; Pub. L. 97-276, title I, §131, Oct. 2, 1982, 96 Stat. 1197; Pub. L. 97-377, title I, §101(c)[title VII, §798], Dec. 21, 1982, 96 Stat. 1833, 1865; Pub. L. 98-14, §1, Mar. 30, 1983, 97 Stat. 55; Pub. L. 98-525, title VI, §621(a), Oct. 19, 1984, 98 Stat. 2540; Pub. L. 100-180, div. A, title VI, §626(a), Dec. 4, 1987, 101 Stat. 1104; Pub. L. 101-189, div. A, title VI, §612(a), Nov. 29, 1989, 103 Stat. 1445; Pub. L. 102-484, div. A, title VI, §612(b), Oct. 23, 1992, 106 Stat. 2421; Pub. L. 103-160, div. A, title VI, §613(c), Nov. 30, 1993, 107 Stat. 1681; Pub. L. 103-337, div. A, title VI, §613(c), Oct. 5, 1994, 108 Stat. 2783; Pub. L. 104-106, div. A, title VI, §613(c), Feb. 10, 1996, 110 Stat. 359; Pub. L. 104-201, div. A, title VI, §613(c), Sept. 23, 1996, 110 Stat. 2544; Pub. L. 105-85, div. A, title VI, §613(c), Nov. 18, 1997, 111 Stat. 1786; Pub. L. 105-261, div. A, title VI, §613(c), Oct. 17, 1998, 112 Stat. 2039; Pub. L. 106-65, div. A, title VI, §§613(c), 619(a)-(c), Oct. 5, 1999, 113 Stat. 650, 652, 653.)

AMENDMENTS

1999—Subsec. (a). Pub. L. 106-65, §619(b)(1), (c)(1), inserted heading and struck out at end “The bonus shall be paid in periodic installments, as determined by the appropriate Secretary, except that the first installment may not exceed \$7,000 and the remainder shall be paid in equal periodic installments which may not be paid less frequently than once every 3 months.”

Pub. L. 106-65, § 619(a), substituted “\$20,000” for “\$12,000”.

Subsec. (b). Pub. L. 106-65, § 619(b)(3), added subsec. (b). Former subsec. (b) redesignated (c).

Subsec. (c). Pub. L. 106-65, § 619(c)(2), inserted heading.

Pub. L. 106-65, § 619(b)(2), redesignated subsec. (b) as (c). Former subsec. (c) redesignated (d).

Subsec. (d). Pub. L. 106-65, § 619(c)(3), inserted heading.

Pub. L. 106-65, § 619(b)(2), redesignated subsec. (c) as (d).

Pub. L. 106-65, § 613(c), substituted “December 31, 2000” for “December 31, 1999”.

1998—Subsec. (c). Pub. L. 105-261 substituted “December 31, 1999” for “September 30, 1999”.

1997—Subsec. (c). Pub. L. 105-85 substituted “September 30, 1999” for “September 30, 1998”.

1996—Subsec. (c). Pub. L. 104-201 substituted “September 30, 1998” for “September 30, 1997”.

Pub. L. 104-106 substituted “September 30, 1997” for “September 30, 1996”.

1994—Subsec. (c). Pub. L. 103-337 substituted “September 30, 1996” for “September 30, 1995”.

1993—Subsec. (c). Pub. L. 103-160 substituted “September 30, 1995” for “September 30, 1993”.

1992—Subsec. (c). Pub. L. 102-484 substituted “September 30, 1993” for “September 30, 1992”.

1989—Subsec. (a). Pub. L. 101-189 substituted “\$12,000” for “\$8,000” and “\$7,000” for “\$5,000”.

1987—Subsec. (c). Pub. L. 100-180 substituted “September 30, 1992” for “September 30, 1987”.

1984—Subsec. (c). Pub. L. 98-525 substituted “September 30, 1987” for “September 30, 1984”.

1983—Subsec. (c). Pub. L. 98-14 substituted “September 30, 1984” for “March 31, 1983”.

1982—Subsec. (c). Pub. L. 97-377 substituted “March 31, 1983” for “December 17, 1982”.

Pub. L. 97-276 substituted “December 17, 1982” for “September 30, 1982”. Notwithstanding directory language that amendment be made to section 308a(c) of “title 35, United States Code”, amendment was executed to this section as the probable intent of Congress.

1981—Subsec. (a). Pub. L. 97-60 substituted “\$8,000” for “\$5,000” as allowable maximum bonus and inserted provisions that first installment of bonus may not exceed \$5,000 and that remainder be paid in equal periodic installments which may not be paid less frequently than once every 3 months.

1980—Subsec. (a). Pub. L. 96-342, § 804(b)(1), substituted “\$5,000” for “\$3,000”.

Subsec. (c). Pub. L. 96-342, § 804(b)(2), substituted “September 30, 1982” for “September 30, 1980”.

1978—Subsec. (c). Pub. L. 95-485 substituted “September 30, 1980” for “September 30, 1978”.

1977—Subsec. (b). Pub. L. 95-57, § 2(a), substituted “or a member who is not technically qualified in the skill for which a bonus was paid to him under this section (other than a person who is not qualified because of injury, illness, or other impairment not the result of his own misconduct) shall refund that percentage of the bonus that the unexpired part of his enlistment is of the total enlistment period for which the bonus was paid” for “shall refund that percentage of the bonus that the unexpired part of his enlistment is of the total enlistment period for which the bonus was paid”.

Subsec. (c). Pub. L. 95-57, § 2(b), substituted “September 30, 1978” for “June 30, 1977”.

1974—Subsec. (a). Pub. L. 93-277 substituted provisions authorizing payment of enlistment bonus according to regulations to be issued, to persons enlisting in an armed force for at least four years in a skill designated as critical, and to those extending their initial period of active duty in the armed force to a total of at least four years in a skill designated as critical, for provisions authorizing payment of enlistment bonus to persons enlisting in the career field of Infantry, Field Artillery, or Tank and Amphibian Tractor in the Marine Corps for at least three years and to those extend-

ing their initial period of active duty in such a career field to a total of at least three years.

Subsec. (b). Pub. L. 93-277 substituted “Secretary of Defense, or by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy,” for “Secretary of Defense”.

Subsec. (c). Pub. L. 93-277 substituted “June 30, 1977” for “June 30, 1974”.

1973—Subsec. (a). Pub. L. 93-64, § 204(1), substituted in first sentence “the career field of Infantry, Armor, or Field Artillery Cannon in the Army, or the career field of Infantry, Field Artillery, or Tank and Amphibian Tractor in the Marine Corps”, for “any combat element of an armed force” and “such a career field” for “a combat element of an armed force”.

Subsec. (c). Pub. L. 93-64, § 204(2), substituted “June 30, 1974” for “June 30, 1973”.

EFFECTIVE DATE OF 1999 AMENDMENT

Pub. L. 106-65, div. A, title VI, § 619(d), Oct. 5, 1999, 113 Stat. 653, provided that: “The amendment made by subsection (a) [amending this section] shall take effect on October 1, 1999, and shall apply with respect to enlistments and extensions of enlistments taking effect on or after that date.”

EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by Pub. L. 103-160 effective as of Sept. 30, 1993, and applicable with respect to an enlistment, reenlistment, or extension of an enlistment described in this section or section 308 of this title occurring on or after that date, see section 613(h)(1) of Pub. L. 103-160, set out as a note under section 308 of this title.

EFFECTIVE DATE OF 1989 AMENDMENT

Section 612(c) of Pub. L. 101-189 provided that: “The amendments made by subsection (a) [amending this section] shall apply with respect to an enlistment or extension of an initial period of active duty (in a skill designated as critical) entered into on or after October 1, 1989.”

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-60 applicable to enlistments and reenlistments after Oct. 14, 1981, see section 117(d) of Pub. L. 97-60, set out as a note under section 308 of this title.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-342 applicable to enlistments, reenlistments, and extensions of enlistments made after Sept. 30, 1980, see section 804(c) of Pub. L. 96-342, set out as a note under section 308 of this title.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-57 effective July 1, 1977, see section 3 of Pub. L. 95-57, set out as a note under section 308 of this title.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93-277 effective June 1, 1974, see section 4 of Pub. L. 93-277, set out as a note under section 308 of this title.

EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93-64 effective July 1, 1973, see section 206 of Pub. L. 93-64, set out as a note under section 401 of this title.

EFFECTIVE DATE

Section effective on a date to be prescribed by Secretary of Defense, but not earlier than Feb. 1, 1971, see section 209 of Pub. L. 92-129, set out as a note under section 302a of this title.

COVERAGE OF PERIOD OF LAPSED AUTHORITY

For provisions relating to coverage of period of lapsed authority from Oct. 1, 1992, to Oct. 23, 1992, for

payment of bonuses or other special pay under this section, see section 612(j)(2) of Pub. L. 102-484, set out as a note under section 301b of this title.

LIMITATION ON PAYMENTS

Section 612(b) of Pub. L. 101-189 provided that: "The total amount of payments made during fiscal year 1990 under section 308a(a) of title 37, United States Code, by the Secretary of the Army may not exceed \$66,400,000."

PAY CONTINUATION

Enactment of this section not to reduce pay to which any member of uniformed services was entitled on June 30, 1971, see section 210 of Pub. L. 92-129, set out as a note under section 203 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 38 section 3015.

§ 308b. Special pay: reenlistment bonus for members of the Selected Reserve

(a) **AUTHORITY AND ELIGIBILITY REQUIREMENTS.**—An enlisted member of a reserve component who—

(1) has completed less than 14 years of total military service; and

(2) reenlists or voluntarily extends his enlistment for a period of three years or for a period of six years in a designated military skill, or in a designated unit, as determined by the Secretary concerned, in the Selected Reserve of the Ready Reserve of an armed force;

may be paid a bonus as provided in subsection (b).

(b) **BONUS AMOUNTS; PAYMENT.**—(1) The amount of a bonus under this section may not exceed—

(A) \$5,000, in the case of a member who reenlists or extends an enlistment for a period of six years;

(B) \$2,500, in the case of a member who, having never received a bonus under this section, reenlists or extends an enlistment for a period of three years; and

(C) \$2,000, in the case of a member who, having received a bonus under this section for a previous three-year reenlistment or extension of an enlistment, reenlists or extends the enlistment for an additional period of three years.

(2) Any bonus payable under this section shall be disbursed in one initial payment of an amount not to exceed one-half of the total amount of the bonus and subsequent periodic partial payments of the balance of the bonus. The Secretary concerned shall prescribe the amount of each partial payment and the schedule for making the partial payments.

(c) **CONDITION ON ELIGIBILITY; LIMITATION ON NUMBER OF BONUSES.**—(1) To be eligible for a second bonus under this section in the amount specified in subsection (b)(1)(C), a member must—

(A) enter into the subsequent reenlistment or extension of an enlistment for a period of three years not later than the date on which the enlistment or extension for which the first bonus was paid would expire; and

(B) still satisfy the designated skill or unit requirements required under subsection (a)(2).

(2) A member may not be paid more than one six-year bonus or two three-year bonuses under this section.

(d) **REPAYMENT OF BONUS.**—A member who receives a bonus under this section and who fails, during the period for which the bonus was paid, to serve satisfactorily in the element of the Selected Reserve of the Ready Reserve with respect to which the bonus was paid shall refund to the United States an amount that bears the same ratio to the amount of the bonus paid to the member as the period that the member failed to serve satisfactorily bears to the total period for which the bonus was paid.

(e) **REGULATIONS.**—This section shall be administered under regulations prescribed by the Secretary of Defense for the armed forces under his jurisdiction and by the Secretary of Transportation for the Coast Guard when it is not operating as a service in the Navy.

(f) **TERMINATION OF AUTHORITY.**—No bonus may be paid under this section to any enlisted member who, after December 31, 2000, reenlists or voluntarily extends his enlistment in a reserve component.

(Added Pub. L. 95-79, title IV, § 403(a)(1), July 30, 1977, 91 Stat. 330; amended Pub. L. 95-485, title IV, § 403, Oct. 20, 1978, 92 Stat. 1614; Pub. L. 96-342, title VIII, § 805(b), Sept. 8, 1980, 94 Stat. 1095; Pub. L. 97-295, § 3(2), Oct. 12, 1982, 96 Stat. 1303; Pub. L. 99-145, title VI, § 643(a), Nov. 8, 1985, 99 Stat. 652; Pub. L. 100-180, div. A, title VI, § 626(b), Dec. 4, 1987, 101 Stat. 1104; Pub. L. 101-189, div. A, title VI, §§ 613, 652(b)(1), Nov. 29, 1989, 103 Stat. 1446, 1461; Pub. L. 101-510, div. A, title XIII, § 1322(c)(4), Nov. 5, 1990, 104 Stat. 1672; Pub. L. 102-484, div. A, title VI, § 612(d), Oct. 23, 1992, 106 Stat. 2421; Pub. L. 103-160, div. A, title VI, § 612(a), Nov. 30, 1993, 107 Stat. 1680; Pub. L. 103-337, div. A, title VI, § 611(a), Oct. 5, 1994, 108 Stat. 2782; Pub. L. 104-106, div. A, title VI, § 611(a), Feb. 10, 1996, 110 Stat. 359; Pub. L. 104-201, div. A, title VI, § 611(b), Sept. 23, 1996, 110 Stat. 2543; Pub. L. 105-85, div. A, title VI, §§ 611(b), 621, Nov. 18, 1997, 111 Stat. 1785, 1790; Pub. L. 105-261, div. A, title VI, § 611(b), Oct. 17, 1998, 112 Stat. 2038; Pub. L. 106-65, div. A, title VI, § 611(b), Oct. 5, 1999, 113 Stat. 649.)

AMENDMENTS

1999—Subsec. (f). Pub. L. 106-65 substituted "December 31, 2000" for "December 31, 1999".

1998—Subsec. (f). Pub. L. 105-261 substituted "December 31, 1999" for "September 30, 1999".

1997—Subsec. (a). Pub. L. 105-85, § 621(e)(1), inserted heading.

Subsec. (a)(1). Pub. L. 105-85, § 621(a), substituted "14 years" for "ten years".

Subsec. (b). Pub. L. 105-85, § 621(b), amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: "The bonus to be paid under subsection (a) shall be—

"(1) an initial payment of—

"(A) an amount not to exceed \$1,250, in the case of a member who reenlists or voluntarily extends his enlistment for a period of three years; or

"(B) an amount not to exceed \$2,500, in the case of a member who reenlists or voluntarily extends his enlistment for a period of six years; and

"(2) a subsequent payment of not to exceed \$416.66 upon the completion of each year of the period of such reenlistment or extension of enlistment during